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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.

11 Plaintiffs,

12 v.

13 RHODES PAINTING & DECORATING,
INC. *aka* RHODES PAINTING, a
14 California Corporation; and LANETT
FERGUSON, an Individual,

15 Defendants.
16

Case No.: C12-6162 MMC

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE;
PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT;
[PROPOSED] ORDER THEREON**

Date: ~~June 14, 2013~~

Time: 10:30 a.m.

Dept.: 7, 19th Floor, San Francisco, CA

Judge: The Honorable Maxine M. Chesney

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18 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the
19 Case Management Conference, currently on calendar for June 14, 2013 be continued for 60-90
20 days. Good cause exists for the continuance, as follows:

21 1. As the Court's records will reflect, this action was filed on December 5, 2012.
22 Service on Defendants was effectuated on December 19, 2012, and A Proof of Service of
23 Summons on was filed with the Court on January 2, 2013 [Dkt. #10]. Defendants failed to plead or
24 otherwise respond to the lawsuit, and the Clerk entered default as to both Defendants on January
25 17, 2013 [Dkt. #12].

26 2. As permitted by the Collective Bargaining and Trust Agreements, Plaintiffs
27 conducted an audit of Defendants' payroll records for the time period October 1, 2009 through
28 December 31, 2012. The Court continued the previous Case Management Conference to allow

time for the auditors to review the audit and complete their report. The auditors were experiencing difficulty in obtaining documents.

3. Since then, the auditors completed a draft report on or about May 29, 2013, which was sent to Defendants today for review. If Defendants do not contest the audit, the report will be considered final, and payment shall be due within ten (10) days of the date the audit is billed.

4. Should Defendants disagree with the findings, the Trust Funds' policies allow Defendants until June 18, 2013, two weeks following the date the report was sent, to submit a written statement of contention, together with all documentation necessary to support Defendants' position. If the audit is contested, and Defendants provide documentation in support of the dispute, Defendants shall be notified as to whether revisions will be made to the audit. If revisions are not made, payment will be immediately due. If revisions are made to said audit as a result of the dispute, payment in full of the revised amount shall be due within ten (10) days of the revised billing.

5. Based on the foregoing, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for June 14, 2013, be continued for 60-90 days to allow time for the audit to be finalized, and for the parties to discuss payment of all amounts due. If Defendant does not agree to a payment plan, a Motion for Default Judgment will be filed.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 4th day of June, 2013, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

By: _____/S/

Michele R. Stafford
Attorneys for Plaintiffs

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to Sept. 13, 2013. All related deadlines are extended accordingly

Date: June 10, 2013


THE HONORABLE MAXINE M. CHESNEY